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EXAMINATION BY TRIAL JUDGE

it is of the utmost importance that failure to perform a social obligation should be followed by instantaneous correction. Whatever delays or makes it uncertain is mischievous.

The uniform law, proposed by Mr. Baldwin, and published in this issue at page 618 ff. is, with a few modifications as indicated in the note appended to the law, practically what the Commission on Uniform State Laws had already proposed. It provides that desertion or non-support be treated promptly and effectively as misdemeanor. It covers all the points that arise, and if generally enacted, it should do much to solve a perplexing social problem.

ROBERT H. GAULT.

EXAMINATION BY TRIAL JUDGE.

The Supreme Court of Kansas states (*State v. Keehn*, 85 Kan. 765) that it would appear from an Illinois opinion quoted that, while the trial judge has ample authority to conduct an extended examination of a witness, it is seldom safe for him to undertake to exercise it. The Kansas court takes a different view, stating that the purpose of a criminal trial is to ascertain the truth about the matters charged in the information, and that it is a part of the business of the judge to see that this end is attained. The trial judge says the Kansas court is not a dumb moderator over a contest, but an integral factor in the discovery and elucidation of the facts. He is not bound to rest content with the modicum of evidence doled out by counsel, but he may aid the jury in obtaining a comprehension of the facts. "Therefore, whenever in his judgment the proceeding is not being conducted in a way to accomplish the purpose for which alone it is instituted—the full development of the truth—or whenever he can effect a better accomplishment of the purpose, he not only has the right but it is his duty to take part." The court adds that there are limitations upon this power but that they are merely those which good sense and propriety suggest.

It would appear from the above case that a trial judge has not been "shorn of his common law rights" as has been expressed by some well known men, and that in some jurisdictions, notably Kansas and Georgia, he has exercised the particular right to examine witnesses in order to get at the merits of the case. The writer does not attempt to assert that a judge has this right in all jurisdictions, as he has attempted no exhaustive examination of the statutes of all the states, but it is apparent that the restoration of the judge to his commanding position occupied at common law is not, in some jurisdictions, a question of law but of ex-

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pediency. In the jurisdictions referred to, the matter may be stated thus:

1. That the trial judge has the legal right to examine witnesses;
2. That the exercise of that right may be reviewed in the appellate court on the ground of abuse;
3. That some trial judges, at least, have exercised the right;
4. That the office of judge may be restored, if ever lost, "to the commanding position occupied at common law" by the mere exercise of the right.

In the opinion of the writer, the matter is reducible to these questions:

1. Shall the trial judge exercise the right at all?
2. If so, how far shall he go in individual cases?
3. Granting the right and its attempted exercise, is it not apparent that greater care should be taken by the public to choose and retain persons of experience, ability, and fairness, as trial judges?

In these days of complaint, will the public pay the salaries, guarantee the tenure of office and exercise discriminating care sufficient to attract and select proper persons to exercise the above power?

W. E. HIGGINS.

CITY CHILDREN AND CRIME.

The report of a subcommittee of the committee on education of the City Club of Chicago, recently issued, contains material which should receive the serious attention and consideration of criminologists.

All social improvement must wait for education. But education must involve the development of habits of industry; of devoted application to a series of activities all of which, taken together, complete an adjustment of the worker to an aspect of his environment. Unfortunately there are thousands of young men and women in our cities who could do better but who, in the circumstances in which they are placed, are getting away from rather than moving toward those habits that make for social adjustment.

The report referred to indicates that in the city of Chicago there are 23,415 children at the crucial period of development—between fourteen and sixteen years of age—who are not in school. This is one and one-tenth per cent of the total population of the city. Over half of this number—11,750 to be explicit—are idle according to the census enumerators. The remainder, it is estimated, drifting as they do from one occupation to another, are actually employed only one-half of their time.